

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TRANSCONTINENTAL GAS PIPE  
LINE COMPANY, LLC,

Plaintiff,

v.

PERMANENT EASEMENTS FOR  
3.16 ACRES, TEMPORARY  
EASEMENTS FOR 3.86 ACRES,  
AND TEMPORARY ACCESS  
EASEMENTS FOR LESS THAN 0.01  
ACRES IN DALLAS TOWNSHIP,  
LUZERNE COUNTY,  
PENNSYLVANIA, TAX PARCEL  
NUMBER 10-C7-00A-037-000, DALE  
A. WILKIE, et al.,

Defendants.

No. 4:17-CV-00737

(Chief Judge Brann)

**ORDER**

**MAY 30, 2023**

In accordance with the accompanying Memorandum Opinion, **IT IS  
HEREBY ORDERED** that:

1. Plaintiff Transcontinental Gas Pipe Line Company, LLC's ("Transco") Speculative Development Motion (Doc. 90) is **GRANTED IN PART**. Accordingly, Defendant Dale A. Wilkie is may not present evidence at trial relating to Don Paul Shearer's inclusion of income from the hypothetical

residential development of portions of the Property in his valuation of the Property.

2. Transco's Noncompensable Damages Motion (Doc. 84) is **GRANTED**.

Accordingly, Wilkie may not present at trial evidence relating to:

- a. Any consequential damages resulting from Transco's negligence in the course of installing a pipeline on Wilkie's land.
- b. Shearer's inclusion of the value of certain trees or stone walls taken down by Transco in his opinion as to the Property's value.

3. Transco's Professional Fees Motion (Doc. 86) is **GRANTED**.

Accordingly, Wilkie may not present at trial evidence of professional fees he incurred during or as a result of the condemnation of the Property.

4. Transco's Barn Value Motion (Doc. 82) is **GRANTED IN PART**.

Accordingly, Wilkie may not present at trial:

- a. Shearer's inclusion of income generated by a proposed event-venue space in Wilkie's barn in his valuation of the Property.
- b. Evidence of the cost to replace the barn, including the reports of Lynn Kesselman and Summit Pointe Builders.

5. Transco's *Daubert* Motion (Doc. 88) is **GRANTED IN PART**.

Accordingly, Wilkie may not present at trial Shearer's inclusion of

“stigma” damages due to the Property’s proximity to a pipeline in his valuation of the Property.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge